

109TH CONGRESS
1ST SESSION

H. R. 422

To provide for counterproliferation measures.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 26, 2005

Mrs. TAUSCHER (for herself, Mr. SPRATT, and Mr. MEEHAN) introduced the following bill; which was referred to the Committee on International Relations

A BILL

To provide for counterproliferation measures.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “The 9–11 Commission
5 Combating Proliferation Implementation Act”.

1 **TITLE I—OFFICE FOR COM-**
2 **BATING THE PROLIFERATION**
3 **OF WEAPONS OF MASS DE-**
4 **STRUCTION**

5 **SEC. 101. OFFICE FOR COMBATING THE PROLIFERATION**
6 **OF WEAPONS OF MASS DESTRUCTION.**

7 (a) ESTABLISHMENT.—There is established within
8 the Executive Office of the President an office to be known
9 as the “Office for Combating the Proliferation of Weapons
10 of Mass Destruction” (in this title referred to as the “Of-
11 fice”).

12 (b) OFFICERS.—(1) The head of the Office shall be
13 the Director of the Office.

14 (2) There shall be a Deputy Director of the Office,
15 who shall—

16 (A) assist the Director in carrying out the re-
17 sponsibilities of the Director under this title; and

18 (B) serve as Acting Director in the absence of
19 the Director and during any vacancy in the office of
20 Director.

21 (3) The Director and Deputy Director—

22 (A) shall be appointed by the President, by and
23 with the advice and consent of the Senate; and

24 (B) shall serve at the pleasure of the President.

1 (4) No person shall serve as Director or Deputy Di-
2 rector while serving in any other position in the Federal
3 Government.

4 (c) RESPONSIBILITIES.—Subject to the direction and
5 control of the President, the responsibilities of the Direc-
6 tor shall include the following:

7 (1) To develop policies, goals, objectives, and
8 priorities for the United States for preventing the
9 proliferation of weapons of mass destruction.

10 (2) To serve as the principal advisor to the
11 President with respect to those policies, goals, objec-
12 tives, and priorities.

13 (3) To develop a comprehensive strategy for the
14 United States for the prevention of the proliferation
15 of weapons of mass destruction, to be known as the
16 “Strategy for Combating the Proliferation of Weap-
17 ons of Mass Destruction” (in this title referred to as
18 the “Strategy”).

19 (4) To coordinate, oversee, and evaluate the im-
20 plementation and execution of the Strategy by the
21 agencies of the Federal Government with respon-
22 sibilities for preventing the proliferation of weapons
23 of mass destruction.

24 (5) To direct the development of comprehensive
25 annual budgets submitted under section 1105(a) of

1 title 31, United States Code, for the programs and
2 activities under the Strategy.

3 (6) To certify to the President, prior to the sub-
4 mission to Congress of each annual budget under
5 that section, whether the budget for each element of
6 preventing the proliferation of weapons of mass de-
7 struction is consistent with and adequate for car-
8 rying out the Strategy.

9 (7) To carry out any other responsibilities relat-
10 ing to development, coordination, funding, and im-
11 plementation of United States policy on the preven-
12 tion of the proliferation of weapons of mass destruc-
13 tion that the President considers appropriate.

14 (d) AUTHORITIES OF THE DIRECTOR.—In carrying
15 out subsection (c), the Director shall have authority to—

16 (1) develop and present to the President annual
17 unified budgets for the prevention of the prolifera-
18 tion of weapons of mass destruction, including the
19 authorities to—

20 (A) provide guidance on the development
21 of annual budgets for each element of the pre-
22 vention of the proliferation of weapons of mass
23 destruction;

24 (B) direct, coordinate, and modify the an-
25 nual budgets of the elements of the prevention

1 of the proliferation of weapons of mass destruc-
2 tion, in consultation with the heads of those ele-
3 ments; and

4 (C) approve the budget of each element of
5 the prevention of the proliferation of weapons of
6 mass destruction before that budget may be
7 provided to the President for transmission to
8 the Congress;

9 (2) transfer between accounts and agencies
10 funds appropriated and associated resources avail-
11 able for the prevention of the proliferation of weap-
12 ons of mass destruction and detail personnel when
13 the Director makes a determination that doing so is
14 necessary in order to—

15 (A) respond to an emergent risk of pro-
16 liferation;

17 (B) eliminate duplication of effort; or

18 (C) significantly increase programmatic ef-
19 ficiency;

20 (3) select, appoint, employ, and fix compensa-
21 tion of such officers and employees of the Office as
22 may be necessary to carry out the functions of the
23 Office;

24 (4) subject to subsection (e)(3), request the
25 head of a department or agency, or program of the

1 Federal Government to place department, agency, or
2 program personnel who are engaged in activities in-
3 volving the prevention of the proliferation of weap-
4 ons of mass destruction on temporary detail to an-
5 other department, agency, or program in order to
6 implement the Strategy, and the head of the depart-
7 ment or agency shall comply with such a request;

8 (5) use for administrative purposes, on a reim-
9 bursable basis, the available services, equipment,
10 personnel, and facilities of Federal agencies;

11 (6) procure the services of experts and consult-
12 ants in accordance with section 3109 of title 5,
13 United States Code, relating to appointments in the
14 Federal Service, at rates of compensation for indi-
15 viduals not to exceed the daily equivalent of the rate
16 of pay payable under level IV of the Executive
17 Schedule under section 5311 of that title;

18 (7) use the mails in the same manner as any
19 other department or agency of the executive branch;
20 and

21 (8) monitor implementation of the Strategy, in-
22 cluding—

23 (A) conducting program and performance
24 audits and evaluations; and

1 (B) requesting assistance from the Inspec-
2 tor General of the relevant agency in such au-
3 dits and evaluations.

4 (e) PERSONNEL DETAILED TO OFFICE.—(1) Not-
5 withstanding any provision of chapter 43 of title 5, United
6 States Code, the Director shall perform the evaluation of
7 the performance of any employee detailed to the Office for
8 purposes of the applicable performance appraisal system
9 established under that chapter for any rating period, or
10 part thereof, that the employee is detailed to the Office.

11 (2)(A) Notwithstanding any other provision of law,
12 the Director may provide periodic bonus payments to any
13 employee detailed to the Office.

14 (B) An amount paid under this paragraph to an em-
15 ployee for any period—

16 (i) shall not be greater than 20 percent of the
17 basic pay paid or payable to such employee for such
18 period; and

19 (ii) shall be in addition to the basic pay of such
20 employee.

21 (C) The aggregate amount paid during any fiscal
22 year to an employee detailed to the Office as basic pay,
23 awards, bonuses, and other compensation shall not exceed
24 the annual rate payable at the end of such fiscal year for
25 positions at level III of the Executive Schedule.

1 (3) The maximum number of personnel who may be
2 detailed to another department or agency (including the
3 office) under subsection (d)(1) during any fiscal year is—

4 (A) for the Department of Defense, 5;

5 (B) for the Department of Energy, 5;

6 (C) for the Department of State, 5; and

7 (D) for any other department or agency, 2.

8 (4) A transfer or detail under paragraph (1)(A) shall
9 expire on the last day of the fiscal year after the fiscal
10 year in which it is ordered by the Director unless extended
11 by law or by an official having authority to extend it fur-
12 ther.

13 (f) REPORT ON STRATEGIC PLAN.—(1) Not later
14 than June 1, 2005, the Director shall submit to Congress
15 the Strategy developed under subsection (c)(3), together
16 with any recommendations of the Director for legislative
17 changes that the Director considers appropriate with re-
18 spect to either the Strategy and its implementation or the
19 Office.

20 (2) Not later than December 31 of each year after
21 2004, the Director shall submit to the Congress an up-
22 dated Strategy and any such recommendations.

23 (g) GLOBAL COALITION.—(1) The Director shall de-
24 velop the Strategy and, in consultation with the Secretary
25 of State, carry out the programs for which the Director

1 is responsible in coordination with appropriate officials of
2 the foreign governments concerned.

3 (2) In consultation with the Secretary of State, the
4 Director shall seek to develop and provide leadership for
5 a coalition of United States and foreign governments com-
6 mitted to achieving the prevention of the proliferation of
7 weapons of mass destruction through programs similar to
8 those specified in section 103.

9 (h) OVERSIGHT BY CONGRESS.—The location of the
10 Office in the Executive Office of the President shall not
11 be construed as affecting access by Congress, or any com-
12 mittee of Congress, to—

13 (1) any information, document, record, or paper
14 in the possession of the Office or any study con-
15 ducted by or at the direction of the Director; or

16 (2) any personnel of the Office, including the
17 Director.

18 (i) PAY OF DIRECTOR AND OF DEPUTY DIRECTOR.—
19 Chapter 53 of title 5, United States Code, is amended—

20 (1) in section 5312, by inserting after the item
21 relating to the Chairman, Board of Governors of the
22 Federal Reserve System the following new item:

23 “Director of the Office for Combating the
24 Proliferation of Weapons of Mass Destruc-
25 tion.”.

1 (2) in section 5313, by inserting after the item
2 relating to the Under Secretary for Transportation
3 the following new item:

4 “Deputy Director of the Office for Com-
5 bating the Proliferation of Weapons of Mass
6 Destruction.”.

7 (j) AUTHORIZATION OF APPROPRIATIONS.—There all
8 authorized to be appropriated such sums as may be nec-
9 essary to carry out this section.

10 **SEC. 102. REQUEST FOR CORRESPONDING RUSSIAN DIREC-**
11 **TOR.**

12 It is the sense of the Congress that, as soon as prac-
13 tical, the President should personally request the Presi-
14 dent of the Russian Federation to designate an official of
15 the Russian Federation having authorities and responsibil-
16 ities for the prevention of the proliferation of weapons of
17 mass destruction commensurate with those of the Director
18 and with whom the Director should coordinate with re-
19 spect to the planning and implementation in the Russian
20 Federation of activities having the purpose of securing
21 weapons of mass destruction.

22 **SEC. 103. SCOPE.**

23 In this title:

1 (1) The term “prevention of the proliferation of
2 weapons of mass destruction” includes activities
3 under—

4 (A) the programs specified in section
5 1501(b) of the National Defense Authorization
6 Act for Fiscal Year 1997 (Public Law 104–201;
7 110 Stat. 2731; 50 U.S.C. 2362 note);

8 (B) the programs for which appropriations
9 are authorized by section 3101(a)(2) of the Bob
10 Stump National Defense Authorization Act for
11 Fiscal Year 2003 (Public Law 107–314; 116
12 Stat. 2458);

13 (C) programs authorized by section 504 of
14 the Freedom for Russia and Emerging Eur-
15 asian Democracies and Open Markets Support
16 Act of 1992 (the FREEDOM Support Act) (22
17 U.S.C. 5354) and programs authorized by sec-
18 tion 1412 of the Former Soviet Union Demili-
19 tarization Act of 1992 (22 U.S.C. 5902); and

20 (D) a program of any agency of the Fed-
21 eral Government having a purpose similar to
22 that of any of the programs identified in sub-
23 paragraphs (A) through (C), as designated by
24 the Director and the head of the agency.

1 (2) The term “weapons of mass destruction”
2 means chemical, biological, and nuclear weapons,
3 and chemical, biological, and nuclear materials that
4 can be used in the manufacture of such weapons.

5 **TITLE II—GLOBAL CLEANOUT**

6 **SEC. 201. AUTHORIZATION OF APPROPRIATIONS.**

7 In addition to amounts otherwise available for such
8 purposes, there are authorized to be appropriated to the
9 Secretary of Energy to carry out the program under sec-
10 tion 3132 of the Ronald W. Reagan National Defense Au-
11 thorization Act for fiscal year 2005 (Public Law 108–375)
12 \$100,000,000 for each fiscal year.

13 **TITLE III—EXPANSION OF PRO-** 14 **LIFERATION SECURITY INI-** 15 **TIATIVE**

16 **SEC. 301. SENSE OF CONGRESS.**

17 It is the sense of Congress that—

18 (1) the President should strive to expand and
19 strengthen the Proliferation Security Initiative an-
20 nounced by the President on May 31, 2003, placing
21 particular emphasis on including countries outside of
22 NATO; and

23 (2) the United States should engage the United
24 Nations to develop a Security Council Resolution to
25 authorize the Proliferation Security Initiative under

1 international law, including by providing legal au-
2 thority to stop shipments of weapons of mass de-
3 struction, their delivery systems, and related mate-
4 rials.

5 **SEC. 302. AUTHORIZATION OF APPROPRIATIONS.**

6 There are authorized to be appropriated for fiscal
7 year 2005, \$50,000,000 to conduct joint training exercises
8 regarding interdiction of weapons of mass destruction
9 under the Proliferation Security Initiative. Particular em-
10 phasis should be given to allocating money from this
11 total—

12 (1) to invite other countries that do not partici-
13 pate in the Proliferation Security Initiative to ob-
14 serve the joint training exercises; and

15 (2) to conduct training exercises with countries
16 that openly join the Proliferation Security Initiative
17 after the date of enactment of this Act.

18 **TITLE IV—COOPERATIVE**
19 **THREAT REDUCTION PROGRAMS**

20 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

21 There are authorized to be appropriated for Coopera-
22 tive Threat Reduction programs not less than—

- 23 (1) \$500,000,000 for fiscal year 2006;
24 (2) \$550,000,000 for fiscal year 2007;
25 (3) \$600,000,000 for fiscal year 2008;

1 (4) \$650,000,000 for fiscal year 2009; and

2 (5) \$700,000,000 for fiscal year 2010.

3 **SEC. 402. PERMANENT WAIVER AUTHORITY FOR CHEMICAL**
4 **WEAPONS DESTRUCTION FACILITY IN RUS-**
5 **SIA.**

6 Section 1305 of the National Defense Authorization
7 Act for Fiscal Year 2000 shall not apply to the obligation
8 and expenditure of funds during a fiscal year for the plan-
9 ning, design, or construction of a chemical weapons de-
10 struction facility in the Russian Federation if the Presi-
11 dent submits to Congress a written certification with re-
12 spect to that fiscal year that includes—

13 (1) a statement as to why the waiver of the
14 conditions during the fiscal year covered by such
15 certification is consistent with the national security
16 interests of the United States; and

17 (2) a plan to promote a full and accurate disclo-
18 sure by the Russian Federation regarding the size,
19 content, status, and location of its chemical weapons
20 stockpile.

21 **SEC. 403. REMOVAL OF FUNDING LIMITATION ON ACTIVI-**
22 **TIES OUTSIDE THE FORMER SOVIET UNION.**

23 Section 1308(c) in the National Defense Authoriza-
24 tion Act for Fiscal Year 2004 (Public Law 108–135; 22
25 U.S.C. 5963(c)) is repealed.

1 **SEC. 404. LIABILITY REPORT.**

2 Not later than April 1, 2006, and every 6 months
3 thereafter, the President shall submit to Congress a report
4 identifying liability concerns regarding, and impediments
5 to, the renegotiation of the Cooperative Threat Reduction
6 umbrella agreement and ongoing negotiations for the im-
7 plementation of the Plutonium Disposition, Nuclear Cit-
8 ies, and other cooperative nonproliferation programs. The
9 report shall also outline a plan to address and resolve such
10 concerns and impediments.

11 **SEC. 405. DEFINITION.**

12 In this title, the term “Cooperative Threat Reduction
13 programs” means the programs specified in section
14 1501(b) of the National Defense Authorization Act for
15 Fiscal Year 1997 (Public Law 104–201; 110 Stat. 2731;
16 50 U.S.C. 2362 note).

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